

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PEDRO PANTOJA-ALVAREZ,

Defendant.

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8:11CR282

ORDER

This matter is before the court on the motion to continue by defendant Pedro Pantoja-Alvarez (Pantoja-Alvarez) (Filing No. 20). Pantoja-Alvarez seeks a continuance of the trial scheduled for October 24, 2011. Pantoja-Alvarez also seeks time in which to file pretrial motions. The time to file pretrial motions elapsed while Pantoja-Alvarez was previously represented by competent counsel. Pantoja-Alvarez sets forth no justification or basis to reopen the time period for filing pretrial motions. His request in that regard will be denied. Since Pantoja-Alvarez has engaged new counsel, the court will grant a reasonable continuance of the trial date.

IT IS ORDERED:

1. Pantoja-Alvarez's motion to continue trial and reestablish the pretrial motion (Filing No. 20) is granted in part and denied in part.
2. The request to reestablish a pretrial motion deadline is denied.
3. The request to continue the trial of this matter is granted. Trial of this matter is re-scheduled for **November 28, 2011**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 14, 2011, and November 28, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 14th day of October, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge